

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

June 16, 2005

Chairman J. Aslakson called the meeting to order at 4:01 p.m., and roll was taken.

MEMBERS PRESENT: J. Aslakson, B. Turnquist, T. Michalski, T. Johnson, T. Harryman,  
L. Spataro, B. Smith

MEMBERS ABSENT: B. Mazade, excused; S. Warmington

STAFF PRESENT: M. Cameron, D. Leafers

OTHERS PRESENT: E. Wolven, 8450 Algoma Ave NE, Rockford; D. Rucks, 348 Cross;  
H. Knox, 504 Octavius; L. Dodson, 321 Yuba; C. Shepherd; A. Burt,  
402 Yuba; D. Rucks, 285 Erickson; J. Barrett, 340 Marquette; M.  
McIntosh, 530 Yuba; D. Balcom, 2156 Landview, Traverse City; B.  
Cox, 565 Octavius; C. Rucks, 293 Erickson; B. Flowers-Taylor, 371  
Yuba; I. Jackson, 293 Jackson; D. McIntosh, 644 Jackson; J. Walker,  
903 Turner; M. Krivitzky, 1052 W. Randall Rd; F. Simmons, 1661  
Nelson; G. Grimm, 1528 W. Harbortowne Circle; P. Kemperman,  
1678 W. Harbortowne Circle; J. Edmonson, 1664 E. Harbortowne  
Circle;

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of May 12, 2005 was made by B. Turnquist, supported by T. Michalski and unanimously approved.

L. Spataro arrived at 4:04 p.m.

PUBLIC HEARINGS

**Hearing; Case 2005-18:** Request to rezone the property located at 190 Wood Street from RM-1, Low Density Multiple-Family Residential to I-2, General Industrial, by Don Balcom, **TABLED FROM May 12, 2005 MEETING.** L. Anguilm presented the staff report. This parcel (which was originally two) has been rezoned several times in the past. From our files we have determined that as of February 1999 the zoning was B-4, General Business, and RT, Two-Family Residential. Attempts were made in 1999 to rezone it to both I-2, General Industrial, and I-1, Light Industrial. The City Commission denied both requests. In 2002 it was rezoned to RM-1, Low Density Multiple-Family Residential at the request of Sterling Development, who planned to purchase the property and build multi-family housing. Located just to the south, up the hill from the property is the area of Jackson Hill Neighborhood, which is zoned RT, Two-Family Residential. To the north and west there is an area of B-4, General Business zoning and to the north is an area of OSC, Open Space Conservation

zoning. The northeast tip of the property is adjacent to an I-1, Light Industrial zoning area. The applicant would like to sell the property for use as storage for sand, gravel, and heavy equipment, as well as a crushing operation. Presently, the property maintains legal non-conforming status for all of the above uses, with the exception of the crushing operation. The only crushing activity that has taken place on the site in the last several years was associated with a public works project, that being the replacement of Muskegon County's 66-inch force main back in 2001. The Jackson Hill Neighborhood Association has expressed their concerns regarding the stone crushing operation. Susie Johnson of 521 Adams phoned to express her opposition to the project as being too loud, and detrimental to the neighborhood. The Master Plan's Future Land Use Map shows the area where this site is located to be "open space". Obviously, there has been interest in developing housing for this area in the past, and allowing an intense I-2 zoning for this area would be detrimental to the Jackson Hill Neighborhood. Staff recommends denial of the request to rezone the subject property from RM-1 to I-2 because the request does not conform to the goals and recommendations of the 1997 Master Plan.

E. Wolven, attorney for D. Balcom, stated there have been several attempts to develop this property for residential use, and after much work it was determined that it wouldn't work. He stated the property doesn't lend itself to residential development due to several factors, including an adjacent water tower, industrial areas, and lowland open space recreation. What they've proposed for the property isn't much different from what's going on there now. The crushing operation wouldn't be ongoing because there would be periods of accumulation of material between crushing. The crushing operation would run for about 60 days. He stated there was a large crushing operation around the corner on Getty St. Also, to get to this property one would have to drive through a commercial area, which he felt wouldn't appeal to residential development. He stated the owner had a large piece of property with limited options on what he could do with it. He felt it would not be a burden to the people in the area, especially considering the use it's enjoyed the last few years.

T. Johnson asked what the reasons were for the residential developments not working out. E. Wolven stated he had talked to J. Briggs, who had been involved in an earlier project and was told it was due to economics—the site didn't appear to be marketable. T. Johnson asked if that was due to the soil or topography. E. Wolven stated it was due to several things, including the approach to it and the nearby water tower. There was an extensive marketing report done on it at one time. T. Johnson stated that past problems with the residential development aspect seemed to be financing, market saturation, and economics. He asked if the storage use mentioned meant junkyards. E. Wolven stated it would be an accumulation of materials such as gravel and stone to be crushed. They wouldn't be hauling stone from pits; it would be mainly recycling gravel and concrete for use in highway construction.

D. Rucks spoke in opposition to the request, on behalf of the Jackson Hill Neighborhood Association (JHNA). She said they had sentimental and health reasons for opposing the rezoning. There are many elderly residents who have lived in the area a long time and they don't want the changes that this type of business could bring. They also had serious concerns about the pollution aspects of a crushing operation, including particles emitted into the air and the effects on residents' respiratory health. She cited information from the Environmental Protection Agency about pollution from this type of industry. She stated the City has done a commendable job of revitalizing this area they don't want to see anything hinder that progress. H. Knox was opposed to any change in zoning. He felt a crushing operation would cause vibration that would damage home foundations, and negatively affect air quality. L. Dodson was opposed to the request. Her concerns were air quality

and increased traffic becoming a danger to the kids and elderly. C. Shepherd, City Commissioner for this Ward, spoke on behalf of area residents. She pointed out the large number of residents at the meeting and hoped the Planning Commission would take their concerns into consideration and deny this request. A. Burt was against any zoning change. The JHNA had made positive strides in their community and there were too many hazardous issues with the type of business proposed. D. Rucks was opposed to the rezoning. He provided pictures of the residential area within 100 yards of the proposed business, and played an audio recording of the neighborhood, which was quiet except for a bird chirping. He wanted the area to remain that way. J. Barrett was opposed to the request. The Jackson Hill area has overcome many obstacles and he felt there were too many health and environmental risks from a crushing operation. M. McIntosh was opposed to the request because of the risks to the children in the area, including air quality and increased traffic.

B. Smith arrived at 4:45 p.m.

D. Balcom stated the area was not as good as the residents claimed, and that it was crime-ridden. He has had several instances of vandalism, and neighbors' garbage was always blowing onto his property. Teledyne, BC Cobb, and Fisher Steel were near there and all were noisy. A 66-inch storm sewer that once went through his property had broken twice and was subsequently rerouted. He stated he has heard only negative comments about his property, but there are deer, ducks, and geese there too. He had done crushing work there before and heard no complaints about it, because it was for the City and County. He only wanted to use the crushing operation for sixty days, not year-round. He stated that in 4-5 years he might even want to change it to residential. There was a crushing operation allowed downtown at the former mall site, and he wanted to know why he wouldn't be allowed to do the same.

B. Cox was opposed to the request and liked the area as it is now. There were many older homes in the area and he stated when work was done around there before, the machines shook the ground so bad that it cracked ceilings and walls. T. Michalski wanted to clear up a point regarding the previous crushing operation. It was a County project, and the City of Muskegon was not involved. C. Rucks was opposed to the rezoning. He stated they were not claiming the area was crime-free, but they have been working to improve the neighborhood. He is the former president of the JHNA and didn't want theirs to be an industrial neighborhood. B. Flowers-Taylor was opposed to the rezoning, as was I. Jackson. He was also concerned about water pollution, in addition to air quality and noise. D. McIntosh thanked the City and the Commission members for their interest in the Jackson Hill Neighborhood. He feared the industrial use in the area would lower the property values.

A motion to close the public hearing was made by L. Spataro, supported by B. Turnquist and unanimously approved.

L. Spataro agreed with the sentiments expressed by the residents. He has looked at the crime and home-ownership statistics and Jackson Hill is no worse than other areas of the City. He didn't want to see the area take a step back for what might be a temporary operation. The rezoning would not apply to just this operation, it could be for anything allowed in an I-2 district. He stated there were a lot of complaints from the crushing operation at the mall, and that was a good example of why this request should be denied.

A motion that the request to rezone the property located 190 Wood Street from RM-1, Low Density

Multiple-Family Residential district to I-2, General Industrial district, as described in the public notice, be recommended for denial to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of lack of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by L. Spataro, supported by T. Harryman and unanimously approved.

**Hearing; Case 2005-19:** Request to rezone the property located at 921 Turner Avenue from I-1, Light Industrial, to R-1, Single Family Residential, by David Stewart. L. Anguilm presented the staff report. The subject property at 721 Turner Avenue is single family home. All the other homes located on Turner Ave. are zoned R-1 and it is unknown why this home was ever zoned to I-1. The vacant property to the east is zoned I-1, and is part of a small I-1 district in the area, which includes some sort of vacant commercial building at 940 Turner Ave., across the street from the subject property. The property owner would like to refinance his home, and since the zoning is industrial, he is having difficulty with the lending institution. Since this home is adjacent to an R-1 district, rezoning it would merely expand the district and place the home within its correct zoning classification. The Master Land Use Plan recommends "Maintain the sub-area's residential focus". It is unlikely that this area will be expanded for more industrial uses. The neighborhood appears to be stable. Taking those things into consideration, and based on the Master Plan for that area, staff recommends approval of the request.

J. Walker asked if the property next to this one was zoned industrial, and if that would change. L. Anguilm stated it was residential and would not change.

A motion to close the public hearing was made by T. Michalski, supported by T. Johnson and unanimously approved.

A motion that the request to rezone the property located 921 Turner Avenue, from I-1 Light Industrial to R-1 One Family Residential, as described in the public notice, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent was made by T. Johnson, supported by T. Michalski and unanimously approved.

**Hearing; Case 2005-20:** Request to rezone the vacant property at: CITY OF MUSKEGON CENTRAL LAND COS SUB #1 BLK 761 LOTS 1-3 AND LOTS 15-25 INCL ALSO VAC DEWEY STREET ADJ TO LOTS 15-25 AND E ½ VAC N/S ALLEY ADJ TO LOTS 15-25 W ½ VAC ALLEY ADJ TO LOTS 1-3 & VAC N ½ OF E/W ALLEY ADJ TO LOTS 1-25 from LR, Lakefront Recreation, to R-1, Single Family Residential, by Orion Associates. L. Anguilm presented the staff report. The subject property is vacant, but is adjacent to a residential neighborhood. It was previously zoned R-1, but was rezoned to LR in 2001. That request, as well as the alley and street vacation requests, was submitted by John Darian. He was planning to purchase the subject property from Orion Enterprises and develop it; however, that plan fell through. Dewey Street, as well as the alley bounded by Beach St., Nelson St., Ohio St., and Dewey St., was vacated in 2001. Directly to the East is Harbour Towne Condominiums, which is zoned LR, Lakefront Recreation, but is being developed under a PUD. The properties to the south, west, and north are zoned R-1, Single Family Residential. The applicant would like to develop six residential lots facing Harbour Towne Circle and one residential lot facing Nelson Street. Lakefront Recreation zoning doesn't allow for residential development, except under a Special Use Permit. An easement would need to be obtained from John Darian for a strip of property that he owns between vacated Dewey Street and W. Harbour Town Circle so the

six lots can access Harbour Towne Circle. In addition, a variance would be needed to allow for less than 50 feet of frontage on a public or private street. The applicant plans to apply to the Zoning Board of Appeals for this variance, if the rezoning is granted. The only contact so far is from David Medendorp and he is in favor of the request. The 1997 Master Plan's Future Land Use Map shows the area where this site is located as R-1, Single Family Residential. Therefore, staff recommends approval of the request.

F. Simmons stated the map he received showed Nelson St. connected to Woodlawn Ct. He now realized that isn't the case and has no objections. G. Grimm, President of the Harbour Towne Condominium Association, stated their concerns mostly revolved around the lack of information on what was proposed for this area. He asked about disruption to traffic on W. Harbour Towne Circle, and road damage from utilities. P. Kemperman had concerns about access to W. Harbour Towne Circle for the six proposed homes, and how many driveway openings there would be. He asked if there would be any type of homeowners association. J. Edmonson wanted there to be some type of design criteria so the homes would blend in with the beach community.

M. Krivitzky stated he had an agreement with John Darian that the homes would have access to Harbour Towne Circle. He had talked with the City regarding a secondary sewer that wouldn't damage the street. Water would come from the east side of the road, but would tunnel underneath the street. There would be three curb cuts servicing the six lots. There would not be a homeowners association. The intent was to make all lots with 80 feet of frontage. He was asked what the price range of the homes would be. He stated he had no idea because they were not the ones who would be selling the homes; this proposal was just to get the property rezoned.

A motion to close the public hearing was made by L. Spataro, supported by B. Smith and unanimously approved.

L. Spataro stated this property was previously zoned R-1, so it would just be reverting to what it previously was.

A motion that the request to rezone the vacant property located at CITY OF MUSKEGON CENTRAL LAND COS SUB #1 BLK 761 LOTS 1-3 AND LOTS 15-25 INCL ALSO VAC DEWEY STREET ADJ TO LOTS 15-25 AND E ½ VAC N/S ALLEY ADJ TO LOTS 15-25 W ½ VAC ALLEY ADJ TO LOTS 1-3 & VAC N ½ OF E/W ALLEY ADJ TO LOTS 1-25, from LR, Lakefront Recreation district to R-1, One Family Residential district, be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by L. Spataro, supported by T. Johnson and approved, with B. Turnquist voting nay.

T. Harryman left at 5:40 p.m.

**Hearing; Case 2005-21:** Request to amend the Final PUD on the property located at the former Muskegon Mall (100 Muskegon Mall) by Chris McGuigan. L. Anguilm presented the staff report. The subject property is the site of the former Muskegon Mall, encompassing approximately eight blocks downtown. Both the Planning Commission and City Commission approved the final PUD in February 2005. The applicant seeks approval for the first amendment, of which others are sure to follow as the site is further developed. This amendment is for a revised street layout, which includes the elimination of the traffic circles at the intersections of Western Avenue and First Street and also

Jefferson and Market Street. The new design now shows a boulevard style street for Western Avenue and a traffic circle at the intersection of Western Avenue and Third Street. There is also a change to the configuration of Jefferson Street, as is described in the narrative to this request. At the time of this staff report, no public comments have been received. Staff recommends approval of Amendment #1 to the approved final PUD request based upon the above staff review of the “Amendments to an Approved Final PUD”, requirements, subject to the condition that all requirements of the approval final PUD remain in place.

J. Edmonson from Muskegon Area First spoke on behalf of C. McGuigan. He stated the request was only for the redesign and layout of the streets, and he had met with City Engineering and Planning staff for their input.

A motion to close the public hearing was made by T. Michalski, supported by B. Smith and unanimously approved.

A motion that Amendment #1 to the approved final PUD and associated site plan for 100 Muskegon Mall (former Muskegon Mall site) be recommended for approval to the City Commission pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan, based on the condition that all requirements of the approval final PUD remain in place, was made by L. Spataro, supported by B. Turnquist and unanimously approved.

**Hearing; Case 2005-22:** Staff-initiated request to amend Section 2334, Article XXIII (General Provisions), to amend the language on Prohibited Signs, to allow A-frame signs in additional areas. L. Anguilm presented the staff report. A recent request by the Lakeside Business Association regarding development of a sign ordinance specific to their area prompted a staff review of the ordinance to see how to best address the concerns and needs of the business district. Staff believes that some small changes to our current sign ordinance could accommodate these needs and concerns. One such need was for the use of “A” frame signs. These types of signs are currently allowed in the Clay-Western and National Historic Register district, with approval of the Historic District Commission. These type of signs are often used in “main street” type areas that experience pedestrian traffic. The other change to the ordinance (see addition to j.) would permit signs that overhang or extend into the right-of-way, provided an encroachment agreement is obtained from the City Commission. This also addresses the ”A” frame signs. This change to the ordinance would allow more flexibility in other areas of the City similar to this one, such as the development of the new downtown.

A motion to close the public hearing was made by T. Michalski, supported by B. Turnquist and unanimously approved.

A motion that the amendment to Section 2334, Article XXIII (General Provisions), to amend the language on Prohibited Signs, to allow A-frame signs in additional areas, be recommended to the City Commission for approval was made by T. Johnson, supported by B. Turnquist and unanimously approved.

## **OLD BUSINESS**

None

## NEW BUSINESS

None

## OTHER

**2005 Planning Commission Work Plan** – This was not discussed, since three of the Commission members were gone.

**Muskegon Area-Wide Plan** – T. Johnson asked if there was anything the Planning Commission should be doing regarding this. L. Anguilm stated not at this time.

There being no further business, the meeting was adjourned at 5:52 p.m.

6/16/05

dml